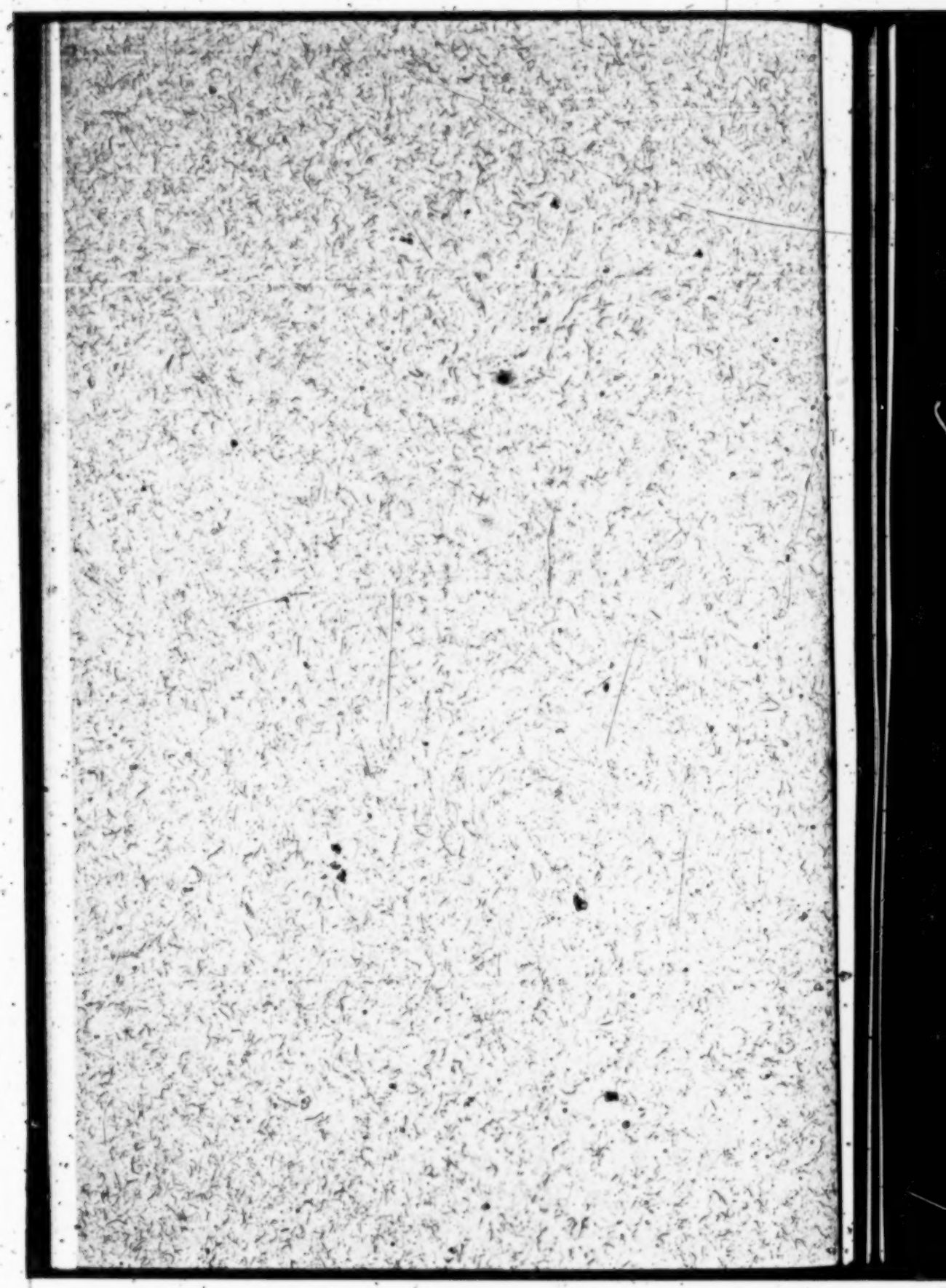

In the Supreme Court of the United States

OCTOBER TERM, 1930

No. 22, ORIGINAL

THE UNITED STATES OF AMERICA, PLAINTIFF

v.

THE STATE OF OREGON, DEFENDANT

PROOF OF MAILING PAPERS

DISTRICT OF COLUMBIA, *ss:*

The undersigned, being first duly sworn, deposes and says: On the 7th day of March, 1931, at Washington, D. C., I deposited in the United States Post Office in sealed envelopes, one addressed "Honorable Julius L. Meier, Governor of the State of Oregon, Salem, Oregon," and the other "Honorable I. H. Van Winkle, Attorney General of the State of Oregon, Salem, Oregon," true copies of the papers entitled in this case styled "Motion by the United States of America for the appointment of a Special Master."

WM. J. HUGHES.

Sworn to before me this 7th day of March, 1931.

W. MARVIN SMITH,
Notary Public, D. C.

My commission expires July 2, 1934.

In the Supreme Court of the United States

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No. 22, ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF

v.

THE STATE OF OREGON, DEFENDANT

NOTICE

To the Honorable Julius L. Meier, Governor of the State of Oregon, and to the Honorable I. H. Van Winkle, Attorney General of that State:

You will please be advised that on Monday, March 23, 1931, the Plaintiff will move that the Court refer this case to a Special Master to take the evidence, make findings of fact, conclusions of law, and recommendations for a decree. A copy of the motion which will be presented to the Court is attached hereto.

THOMAS D. THACHER,
Solicitor General.

MARCH, 1931.

In the Supreme Court of the United States

OCTOBER TERM, 1930

No. 22, ORIGINAL

THE UNITED STATES OF AMERICA, PLAINTIFF

v.

THE STATE OF OREGON, DEFENDANT

MOTION BY THE UNITED STATES FOR THE APPOINTMENT OF A SPECIAL MASTER

Comes now the plaintiff, The United States of America, by its Solicitor General, and respectfully prays:

That this Court refer the above-entitled case to a Special Master to be designated and appointed by this Court with the powers of a Master in Chancery, as provided in the rules of this Court, to take the evidence *viva voce* or by deposition, and to report the same to this Court with his findings of fact, conclusions of law, and recommendations for a decree, all subject to examination, consideration, approval, modification, or other disposition by this Court. A form of order is submitted herewith.

This is a suit to determine the ownership as between the United States and the State of Oregon to the beds of Malheur, Harney, and Mud Lakes, within Harney County, Oregon. The ultimate question in this case is whether or not the Lakes are navigable. The rights of the United States in respect to the beds of the Lakes turn on the question of navigability. The Master will, therefore, be required to take a large amount of evidence as to the character of these Lakes and as to their navigability.

This statement, together with the reference to the Bill of Complaint, discloses the nature of the case in so far as it bears on the qualifications of the Master.

THOMAS D. THACHER,
Solicitor General.

FEBRUARY, 1931.

In the Supreme Court of the United States

OCTOBER TERM, 1930

NO. 22, ORIGINAL

THE UNITED STATES OF AMERICA, PLAINTIFF

v.

THE STATE OF OREGON, DEFENDANT

ORDER

On consideration of the motion by the United States for the appointment of a Special Master to take the evidence in this case and report the same to this Court with his findings of fact, conclusions of law, and recommendations for a decree.

It is now hereby ordered that ———, of ———, be, and he is hereby, appointed a Special Master with the powers of a Master in Chancery, as provided in the rules of this Court, to take the evidence *viva voce* or by deposition and to report the same to the Court with his findings of fact, conclusions of law, and recommendations for a decree—all subject to examination, consideration, approval, modification, or other disposal by the Court.

The Special Master shall have authority (1) to employ competent stenographic and clerical assistants, (2) to fix the times and places of taking the evidence and to limit the time within which each party shall present its evidence, and (3) to issue subpœnas to secure the attendance of witnesses and to administer oaths. Depositions of witnesses residing at any place may be taken upon stipulation of the parties, or by the mode provided in the Rules of Practice for the Courts of Equity of the United States, or as provided by Sections 863, 865–7 of the Revised Statutes for the taking of depositions *de bene esse* in the District Courts, or as may be directed by the Master. They may be returned in the first instance to the Master. When the Special Master's report of his findings of fact, conclusions of law, and recommendations for a decree is completed the Clerk of the Court shall cause the same to be printed; and when the same is presented to the Court in printed form the parties will be accorded a reasonable time, to be fixed by the Court, within which to present exceptions. The Special Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and borne by the parties in such proportions as the Court hereafter may direct.

If the appointment herein made of a Special Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

U. S. GOVERNMENT PRINTING OFFICE: 1931